

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

)	
SANFORD HEALTH PLAN,)	
)	
Plaintiff,)	
)	Case No. 20-746
v.)	(Judge Kaplan)
)	
THE UNITED STATES,)	
)	
Defendant.)	
)	

JOINT STATUS REPORT AND MOTION TO CONTINUE STAY

Pursuant to this Court’s November 2, 2020 Order (ECF No. 11), the parties submit this joint status report. The November 2 order continued the stay in this case pending the Federal Circuit’s resolution of pending petitions for rehearing *en banc* filed in a series of cases, like this one, seeking cost-sharing reduction (CSR) payments: *Maine Community Health Options v. United States*, No. 19-2102 (Fed. Cir.); and *Community Health Choice, Inc. v. United States*, No. 19-6333 (Fed. Cir.). The Court directed the parties to file a joint status report within 30 days after the Federal Circuit’s resolution of those petitions, advising the Court whether it would be appropriate to continue the stay in this case pending the Supreme Court’s decision on any petition for certiorari. ECF No. 11.

The Federal Circuit denied the petitions in *Maine* and *Community* on November 10, 2020, and a petition for rehearing *en banc* in a related CSR appeal, *Common Ground Health Cooperative v. United States*, No. 20-1286 (Fed. Cir.), on December 16, 2020. Given that the parties to those appeals may file petitions for writs of certiorari, to conserve judicial and party resources, the parties respectfully request that the Court stay this case until either the Federal Circuit’s judgments in those appeals become final and non-appealable, or the Supreme Court

resolves any petition for a writ of certiorari, whichever is later. Within 30 days of the expiration of the proposed stay, the parties will submit a joint status report proposing further proceedings.

s/Stephen McBrady
Stephen McBrady
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
SMcBrady@crowell.com

OF COUNSEL:
Daniel Wolff
Charles Baek

CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

Attorneys for Plaintiff

Respectfully submitted,

JOHN V. COGHLAN
Deputy Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

s/Claudia Burke
CLAUDIA BURKE
Assistant Director

s/Eric E. Laufgraben
ERIC E. LAUFGRABEN
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 353-7995
Facsimile: (202) 353-0461
Email: Eric.E.Laufgraben@usdoj.gov

OF COUNSEL:

CHRISTOPHER J. CARNEY
Senior Litigation Counsel

ALBERT S. IAROSSI
Trial Attorney
Civil Division
U.S. Department of Justice

Attorneys for Defendant

January 15, 2021